

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

DANIEL REITH,

Plaintiff(s),

*-against-*FATHER JOHN AHERN; THE ROMAN CATHOLIC
DIOCESE OF SYRACUSE, NEW YORK; ST. JAMES'
CHURCH, SYRACUSE, NEW YORK; and OUR LADY OF
HOPE CHURCH OF SYRACUSE, NEW YORK,

Defendant(s).

Index No. _____

Summons

Date Index No. Purchased: _____

December 3, 2019

To the above named Defendant(s)

FATHER JOHN AHERN
1301 Nottingham Road, Jamesville, Onondaga County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is one or more Defendant resides in Onondaga County
which is located in Onondaga County, New York

Dated: New York, New York

December 3, 2019

SIMMONS HANLY CONROY

by 

Paul J. Hanly, Jr.

Attorneys for Plaintiff

112 Madison Avenue, 7th Floor
New York, New York 10016
Tel.: 212-784-6401
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

DANIEL REITH,

Plaintiff(s),

*-against-*FATHER JOHN AHERN; THE ROMAN CATHOLIC
DIOCESE OF SYRACUSE, NEW YORK; ST. JAMES'
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Defendant(s).

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December 3, 2019

To the above named Defendant(s)

THE ROMAN CATHOLIC DIOCESE OF SYRACUSE, NEW YORK
c/o Stephen T. Helmer, Esq., Mackenzie Hughes LLP, 440 S. Warren St., Suite 400, Syracuse, NY, 13202

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

DANIEL REITH,

Plaintiff(s),

*-against-*FATHER JOHN AHERN; THE ROMAN CATHOLIC
DIOCESE OF SYRACUSE, NEW YORK; ST. JAMES'
CHURCH, SYRACUSE, NEW YORK; and OUR LADY OF
HOPE CHURCH OF SYRACUSE, NEW YORK,

Defendant(s).

Index No. _____

Summons

Date Index No. Purchased: _____

December 3, 2019

To the above named Defendant(s)

ST. JAMES' CHURCH, SYRACUSE, NEW YORK
4845 South Salina Street, Syracuse, Onondaga County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

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December 3, 2019

SIMMONS HANLY CONROY

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Attorneys for Plaintiff

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

DANIEL REITH,

Plaintiff(s),

*-against-*FATHER JOHN AHERN; THE ROMAN CATHOLIC
DIOCESE OF SYRACUSE, NEW YORK; ST. JAMES'
CHURCH, SYRACUSE, NEW YORK; and OUR LADY OF
HOPE CHURCH OF SYRACUSE, NEW YORK,

Defendant(s).

Index No. _____

Summons

Date Index No. Purchased: _____

December 3, 2019

To the above named Defendant(s)

OUR LADY OF HOPE CHURCH OF SYRACUSE, NEW YORK
4845 South Salina Street, Syracuse, Onondaga County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is one or more Defendant resides in Onondaga County
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Dated: New York, New York

December 3, 2019

SIMMONS HANLY CONROY

by 

Paul J. Hanly, Jr.

Attorneys for Plaintiff

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New York, New York 10016
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

DANIEL REITH,

Plaintiff,

v.

FATHER JOHN AHERN; THE ROMAN CATHOLIC DIOCESE
OF SYRACUSE, NEW YORK; ST. JAMES' CHURCH,
SYRACUSE, NEW YORK; and OUR LADY OF HOPE
CHURCH OF SYRACUSE, NEW YORK,

Defendants.

Index No.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Daniel Reith, by his attorneys Simmons Hanly Conroy LLC and the Law Offices of Mitchell Garabedian, brings this action against Father John Ahern; The Roman Catholic Diocese of Syracuse, New York; St. James' Church, Syracuse, New York; and Our Lady of Hope Church of Syracuse, New York, and alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

JURISDICTION AND VENUE

1. This Court has personal jurisdiction over the Defendants pursuant to CPLR 301 and 302, in that the Defendants reside in New York.

2. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

3. Venue for this action is proper in the County of Onondaga pursuant to CPLR 503 in that one or more of the Defendants reside in this County and a substantial part of the events or omissions giving rise to the claims asserted herein occurred in this County.

PARTIES

4. Plaintiff Daniel Reith ("Plaintiff") is an individual residing in Syracuse,

Onondaga County, New York.

5. Defendant Father John Ahern ("Father Ahern") is an individual with a residential address at 1301 Nottingham Road, Jamesville, Onondaga County, New York. At all relevant times, Defendant Father Ahern served as a Roman Catholic priest of Defendant The Roman Catholic Diocese of Syracuse, New York.

6. Defendant The Roman Catholic Diocese of Syracuse, New York ("Diocese of Syracuse") is a religious corporation organized pursuant to the New York Religious Corporations Law, with its principal office at 240 East Onondaga Street, Syracuse, Onondaga County, New York. The Diocese of Syracuse is a Roman Catholic diocese. At all relevant times, the Diocese of Syracuse created, oversaw, supervised, managed, controlled, directed and operated parishes or churches of the Diocese of Syracuse, including during all relevant times, St. James' Church, Syracuse, New York, and Our Lady of Hope Church of Syracuse, New York.

7. Defendant St. James' Church, Syracuse, New York ("St. James") was a Roman Catholic parish within and under the authority of the Diocese of Syracuse and was a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 4845 South Salina Street, Syracuse, Onondaga County, New York. At all relevant times, the Diocese of Syracuse created, oversaw, supervised, managed, controlled, directed and operated St. James.

8. Defendant Our Lady of Hope Church of Syracuse, New York ("Our Lady of Hope") is a Roman Catholic parish within and under the authority of the Diocese of Syracuse and is a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 4845 South Salina Street, Syracuse, Onondaga County, New York. At all relevant times, the Diocese of Syracuse created, oversaw, supervised, managed, controlled, directed and operated Our Lady of Hope. As a result of a corporate merger, Defendant Our Lady of Hope is the legal successor to Defendant St. James.

FACTS COMMON TO ALL CLAIMS

9. Plaintiff and his family were parishioners of and attended St. James when Plaintiff was a minor child. When Plaintiff was a minor child, Plaintiff served as an altar boy at St. James. Plaintiff was also enrolled at St. James School, the elementary school affiliated with St. James, as a minor child.

10. During the times relevant to the allegations set forth herein, Defendant Father Ahern was assigned by Defendant Diocese of Syracuse to be a priest at St. James, where Plaintiff's family were parishioners.

11. Through his positions at, within, or for the Diocese of Syracuse, Father Ahern was put in direct contact with members of the Plaintiff's family, including Plaintiff, a minor parishioner of the Diocese of Syracuse.

12. From approximately 1976 when Plaintiff was approximately eleven years of age, to approximately 1979 when Plaintiff was approximately fourteen years of age, Plaintiff served as an altar boy during Masses at St. James on several occasions with Defendant Father Ahern.

13. Father Ahern used such encounters, gained through his position at St. James which granted him access to Plaintiff when Plaintiff was approximately eleven years of age to approximately fourteen years of age, to sexually assault, sexually abuse, and/or have sexual contact with the Plaintiff in violation of the laws of the State of New York.

Supervisory Defendants' Responsibility for the Abuse Committed by Defendant Father Ahern

14. At all times material hereto, Defendant Father Ahern was under the management, supervision, employ, direction and/or control of Defendants Diocese of Syracuse and St. James.

15. Through his positions at, within, or for Defendants Diocese of Syracuse and St. James, Defendant Father Ahern was put in direct contact with Plaintiff.

16. Defendant Father Ahern used his position at, within, or for Defendants Diocese of Syracuse and St. James and the implicit representations made by them about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create an opportunity to be alone with, and to sexually touch, Plaintiff.

17. Defendants Diocese of Syracuse and St. James had the duty to reasonably manage, supervise, control and/or direct priests who served at St. James, and specifically, had a duty not to aid pedophiles such as Defendant Father Ahern by assigning, maintaining, and/or appointing them to positions with access to minors.

18. Defendants Diocese of Syracuse and St. James knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Defendant Father Ahern, who sexually abused Plaintiff.

19. Defendant Diocese of Syracuse had a duty to the Plaintiff to properly supervise Diocese of Syracuse priests to ensure that priests did not use their positions with the Diocese of Syracuse as a tool for grooming and assaulting vulnerable children. Defendant Diocese of Syracuse knew or should have known that Defendant Father Ahern used his positions with the Diocese of Syracuse to sexually abuse minor children, including the Plaintiff.

Consequences of the Abuse

20. Plaintiff suffered personal physical and psychological injuries and damages as a result of Defendant Father Ahern's actions, as well as other damages related thereto, as a result of the childhood sexual abuse Plaintiff sustained.

21. As a direct result of the Defendants Father Ahern's, Diocese of Syracuse's and St. James's conduct described herein, Plaintiff suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to

incur loss of income and/or loss of earning capacity. As a victim of Defendant Father Ahern's sexual abuse, Plaintiff is unable at this time to fully describe all of the details of that abuse and the extent of the harm he suffered as a result.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Assault

22. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

23. From approximately 1976 when Plaintiff was approximately eleven years of age to approximately 1979 when Plaintiff was approximately fourteen years of age, Defendant Father Ahern intentionally touched Plaintiff's body when Defendant Father Ahern engaged in the sexual behavior and lewd and lascivious conduct described above. Such conduct placed Plaintiff in imminent apprehension of harmful contact, including apprehension of further sexual contact.

24. As a direct and proximate result of Defendant Father Ahern's actions, which included but were not limited to placing the Plaintiff in imminent and reasonable apprehension of harmful and offensive contact, Plaintiff suffered and will continue to suffer the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

25. By reason of the foregoing, Defendant Father Ahern is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

SECOND CAUSE OF ACTION

Battery

26. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

27. From approximately 1976 when Plaintiff was approximately eleven years of age, Defendant Father Ahern intentionally touched Plaintiff's body when Defendant

Father Ahern engaged in the sexual behavior and lewd and lascivious conduct described above. Such bodily contact was offensive and without consent, because Plaintiff, as a minor, was incapable of consenting to these acts.

28. As a direct and proximate result of Defendant Father Ahern's actions, which included but were not limited to unjustified harmful and offensive physical contact and touching, Plaintiff suffered and will continue to suffer the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

29. By reason of the foregoing, Defendant Father Ahern is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

THIRD CAUSE OF ACTION

Intentional Infliction of Emotional Distress

30. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

31. By engaging in the explicit sexual behavior and lewd and lascivious conduct described above, either Defendant Father Ahern intended to inflict emotional distress upon Plaintiff, or Defendant Father Ahern knew or should have known and recklessly disregarded the substantial likelihood that severe emotional distress would be the likely result of his conduct.

32. The conduct of Defendant Father Ahern in engaging in the explicit sexual behavior and lewd and lascivious conduct with a minor described above is extreme and outrageous, beyond all possible bounds of decency, and utterly intolerable in a civilized society.

33. The mental distress and emotional injuries Plaintiff suffered and will continue to suffer were and are lasting and severe.

34. As a direct and proximate result of Defendant Father Ahern engaging in the explicit sexual behavior and lewd and lascivious conduct described above, Plaintiff suffered and will continue to suffer the severe injuries described herein.

35. By reason of the foregoing, Defendant Father Ahern is liable to Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

FOURTH CAUSE OF ACTION

Negligent Hiring/Retention/Supervision/Direction

36. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

37. Defendants Diocese of Syracuse and St. James owed a duty of care to all minor persons, including Plaintiff, who were likely to come within the influence or supervision of Defendant Father Ahern in his role as priest, counselor, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Defendant Father Ahern did not use his assigned position to injure minors by sexual assault, sexual abuse, or sexual contact in violation of the laws of the State of New York.

38. Defendant Diocese of Syracuse at all relevant times held the parishes of the Diocese of Syracuse out to be safe places for minors to attend, and its priests as individuals to whom it was safe to entrust the care of minor children. Defendant Diocese of Syracuse entered into an express and/or implied duty to safely treat Plaintiff and assumed the duty to protect and care for him.

39. Defendant Father Ahern sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff when Plaintiff was a minor at St. James.

40. Defendants Diocese of Syracuse and St. James negligently hired, retained, directed, and supervised Defendant Father Ahern, though they knew or should have known that Defendant Father Ahern posed a threat of sexual abuse to minors.

41. Defendants Diocese of Syracuse and St. James knew or should have known of Defendant Father Ahern's propensity for the conduct which caused Plaintiff's injuries prior to, or at the time of, the injuries' occurrence.

42. Defendants Diocese of Syracuse and St. James were negligent in failing to properly supervise Defendant Father Ahern

43. The sexual abuse of children by adults, including priests, is a foreseeable result of negligence.

44. At all times material hereto, Defendants Diocese of Syracuse's and St. James's actions were willful, wanton, malicious, reckless, negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

45. As a direct and proximate result, Plaintiff has suffered and will continue to suffer the injuries described herein.

46. Liabilities of St. James were transferred to, or assumed by, Our Lady of Hope. As a result, Our Lady of Hope is liable to the Plaintiff for the damages caused by St. James stated in this cause of action.

47. By reason of the foregoing, Defendants Diocese of Syracuse, St. James and Our Lady of Hope are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

FIFTH CAUSE OF ACTION
Negligence/Gross Negligence

48. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

49. Defendants Diocese of Syracuse and St. James knew, or were negligent in not knowing, that Defendant Father Ahern posed a threat of sexual abuse to children.

50. The acts of Defendant Father Ahern described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his respective employment, appointment, assignment, and/or agency with Defendants Diocese of Syracuse and St. James.

51. Defendants Diocese of Syracuse and St. James owed Plaintiff, a minor at the relevant times of abuse, a duty to protect him from Defendant Father Ahern's sexual deviancy and the consequential damages, both prior to and/or subsequent to Defendant

Father Ahern's misconduct.

52. Defendants Diocese of Syracuse's and St. James's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damage set forth herein at length.

53. Defendants Diocese of Syracuse and St. James:

- A. gave improper or ambiguous orders or failed to make proper regulations, and/or employed improper persons or instrumentalities in work involving risk of harm to others;
- B. failed adequately to supervise the activities of Defendant Father Ahern;
- C. permitted, and/or intentionally failed and/or neglected to prevent, negligent and/or grossly negligent conduct and/or allowed other tortious conduct by persons, whether or not their servants and/or agents and/or employees, upon premises or with instrumentalities under their control; and
- D. allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint to occur.

54. At all times material hereto, with regard to the allegations contained herein, Defendant Father Ahern was under the supervision, employ, direction and/or control of Defendants Diocese of Syracuse and St. James.

55. At all times material hereto, Defendants Diocese of Syracuse's and St. James's actions were willful, wanton, malicious, reckless, negligent and outrageous in their disregard for the rights and safety of Plaintiff, which amounted to conduct equivalent to criminality.

56. As a direct and/or indirect result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

57. Liabilities of St. James were transferred to, or assumed by, Our Lady of Hope. As a result, Our Lady of Hope is liable to the Plaintiff for the damages caused by

St. James stated in this cause of action.

58. By reason of the foregoing, Defendants Diocese of Syracuse, St. James and Our Lady of Hope are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

SIXTH CAUSE OF ACTION
Breach of Non-Delegable Duty

59. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

60. Plaintiff, when he was a minor, was placed in the care and supervision of the Defendants Diocese of Syracuse and St. James for the purposes of, inter alia, providing Plaintiff with a safe environment in which to participate in religious, educational, youth and recreational activities. There existed a non-delegable duty of trust between Plaintiff and Defendants Diocese of Syracuse and St. James.

61. Plaintiff was a vulnerable child when placed within the care of Defendants Diocese of Syracuse and St. James.

62. As a consequence, Defendants Diocese of Syracuse and St. James were in the best position to prevent Plaintiff's abuse, to learn of Defendant Father Ahern's repeated sexual abuse of Plaintiff, and to stop it.

63. By virtue of the fact that Plaintiff was sexually abused as a minor child entrusted to the care of the Defendants Diocese of Syracuse and St. James, Defendants Diocese of Syracuse and St. James breached their non-delegable duty to Plaintiff.

64. At all times material hereto Defendant Father Ahern was under the supervision, employ, direction and/or control of the Defendants Diocese of Syracuse and St. James.

65. As a direct result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

66. Liabilities of St. James were transferred to, or assumed by, Our Lady of Hope. As a result, Our Lady of Hope is liable to the Plaintiff for the damages caused by St. James stated in this cause of action.

67. By reason of the foregoing, Defendants Diocese of Syracuse, St. James and Our Lady of Hope are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

SEVENTH CAUSE OF ACTION

Breach of Fiduciary Duty

68. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

69. There existed a fiduciary relationship of trust, confidence, and reliance between Plaintiff and Defendants Diocese of Syracuse and St. James. This relationship was based on the entrustment of the Plaintiff while he was a minor child to the care and supervision of the agent or servant of the Defendants Diocese of Syracuse and St. James. This entrustment of the Plaintiff to the care and supervision of the Defendants Diocese of Syracuse and St. James, while the Plaintiff was a minor child, required the Defendants Diocese of Syracuse and St. James to assume a fiduciary relationship and to act in the best interests of the Plaintiff, as well as to protect him while he was a minor and vulnerable child.

70. Pursuant to their fiduciary relationship, Defendants Diocese of Syracuse and St. James were entrusted with the well-being, care, and safety of Plaintiff.

71. Pursuant to their fiduciary relationship, Defendants Diocese of Syracuse and St. James assumed a duty to act in the best interests of Plaintiff.

72. Defendants Diocese of Syracuse and St. James breached their fiduciary duty to Plaintiff.

73. At all times material hereto, the actions and/or inactions of Defendants

Diocese of Syracuse and St. James were willful, wanton, malicious, reckless, negligent and outrageous in their disregard for the rights and safety of Plaintiff.

74. As a direct result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

75. Liabilities of St. James were transferred to, or assumed by, Our Lady of Hope. As a result, Our Lady of Hope is liable to the Plaintiff for the damages caused by St. James stated in this cause of action.

76. By reason of the foregoing, Defendants Diocese of Syracuse, St. James and Our Lady of Hope are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

EIGHTH CAUSE OF ACTION

Negligent Infliction of Emotional Distress

77. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

78. As described above, the actions of Defendants Diocese of Syracuse and St. James, their agents, servants, and/or employees were conducted in a negligent and/or grossly negligent manner.

79. Defendants Diocese of Syracuse's and St. James's actions endangered Plaintiff's safety and caused him to fear for his own safety.

80. As a direct and proximate result of Defendants Diocese of Syracuse's and St. James's actions, which included but were not limited to negligent and/or grossly negligent conduct, Plaintiff suffered and will continue to suffer the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

81. Liabilities of St. James were transferred to, or assumed by, Our Lady of Hope. As a result, Our Lady of Hope is liable to the Plaintiff for the damages caused by St. James stated in this cause of action.

82. By reason of the foregoing, Defendants Diocese of Syracuse, St. James and Our Lady of Hope are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

NINTH CAUSE OF ACTION

Breach of Duty in Loco Parentis

83. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

84. While he was a minor, Plaintiff was entrusted by his parents to the control of the Defendants Diocese of Syracuse and St. James, as well as directly to Defendant Father Ahern, an agent or servant of Defendants Diocese of Syracuse and St. James, for the purposes of *inter alia*, providing Plaintiff with appropriate guidance and an opportunity to enjoy educational and youth activities under responsible adult supervision. These Defendants owe — and owed — a duty to children entrusted to them to act *in loco parentis* and to prevent foreseeable injuries.

85. Defendants Diocese of Syracuse and St. James breached their duty to act *in loco parentis*.

86. At all times material hereto, Defendants Diocese of Syracuse's and St. James's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

87. As a direct result of Defendants Diocese of Syracuse's and St. James's conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

88. Liabilities of St. James were transferred to, or assumed by, Our Lady of Hope. As a result, Our Lady of Hope is liable to the Plaintiff for the damages caused by St. James stated in this cause of action.

89. By reason of the foregoing, Defendants Diocese of Syracuse, St. James and

Our Lady of Hope are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

TENTH CAUSE OF ACTION

Breach of Statutory Duty to Report Abuse under Soc. Serv. Law §§ 413, 420

90. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 21 as if fully set forth herein.

91. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, Defendants Diocese of Syracuse and St. James had a statutorily imposed duty to report reasonable suspicion of abuse of children in their care.

92. Defendants Diocese of Syracuse and St. James breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Defendant Father Ahern of children in their care.

93. As a direct and/or indirect result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

94. Liabilities of St. James were transferred to, or assumed by, Our Lady of Hope. As a result, Our Lady of Hope is liable to the Plaintiff for the damages caused by St. James stated in this cause of action.

95. By reason of the foregoing, Defendants Diocese of Syracuse, St. James and Our Lady of Hope are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

WHEREFORE Plaintiff, demands judgment against the Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;

- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding prejudgment interest to the extent permitted by law;
- D. Awarding costs and fees of this action, including attorneys' fees, to the extent permitted by law; and
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: December 3, 2019
New York, New York

Respectfully Submitted,

/s/ Paul J. Hanly, Jr. _____
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